

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jan 02, 2025**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

HANFORD GUARDS UNION, LOCAL  
21 (“HGU” or “Union”),  
Plaintiff,  
v.  
BRIAN VANCE, in his official capacity;  
and HANFORD MISSION  
INTEGRATION SOLUTIONS, LLC  
 (“HMIS” or “Employer”),  
Defendants.

No. 4:24-CV-05169-SAB

**ORDER DENYING MOTION  
FOR EMERGENCY TRO**

Before the Court are Plaintiff’s Motion for Emergency TRO, ECF No. 4, and related Motion to Expedite, ECF No. 5. Plaintiff is represented by SaNni Lemonidis and Jackson Millikan. Defendants are represented by John Drake. The motions were considered without oral argument.

After reviewing the Motion, briefs, and caselaw, the Court **denies** Plaintiff’s request for an emergency temporary restraining order.

**MOTION STANDARD**

A movant seeking a temporary restraining order—or preliminary injunction—must satisfy the elements laid out in *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008). *See also E. Bay Sanctuary Covenant*

1 *v. Trump*, 932 F.3d 742, 762 (9th Cir. 2018). “A preliminary injunction is a matter  
2 of equitable discretion and is ‘an extraordinary remedy that may only be awarded  
3 upon a clear showing that a plaintiff is entitled to such relief.’” *California v. Azar*,  
4 911 F.3d 558, 575 (9th Cir. 2018) (quoting *Winter*, 555 U.S. at 22).

5 A party can obtain a preliminary injunction—or temporary restraining  
6 order—by showing its motion satisfies all four elements of the *Winter* test: (1) the  
7 likelihood of success on the merits, (2) the party is likely to suffer irreparable harm  
8 in the absence of relief; (3) the balance of equities weigh in favor of the moving  
9 party; and (4) the injunction or restraining order is in the public interest. *See*  
10 *Winter*, 555 U.S. at 20.

#### 11 **PLAINTIFF’S MOTION FOR EMERGENCY TRO**

12 Plaintiff requests the Court issue an emergency temporary restraining order  
13 against Defendants to stop them from suspending and revoking the Human  
14 Reliability Program (“HRP”) certifications, issued to Plaintiff’s union members,  
15 during the ongoing “employer lockout.” Plaintiff’s Collective Bargaining  
16 Agreement expired on November 27, 2024, and Defendants initiated the lockout  
17 absent a new agreement.

18 In reviewing the briefs, the Court finds Plaintiff has not satisfied the  
19 elements laid out in *Winter*. As to the first element, Plaintiff is not likely to succeed  
20 on the merits because Defendants have placed the HRP certifications at issue in  
21 “temporary removal” status, as allowed by 10 C.F.R. § 712.19. This is not a  
22 termination of the certifications. As such, Plaintiff has not shown Defendants  
23 violated the union members’ Fifth or Fourteenth Amendment due process rights  
24 related to their HRP certifications.

25 Therefore, Plaintiff’s request for an emergency TRO is **denied**.

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1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Plaintiff's Motion for Emergency TRO, ECF No. 4, and related  
3 Motion to Expedite, ECF No. 5, are **DENIED**.

4 **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
5 file this Order and provide copies to counsel.

6 **DATED** this 2nd day of January 2025.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

13 Stanley A. Bastian  
14 Chief United States District Judge  
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